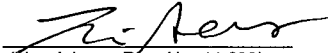


**Amendment in Response to Non-Final Office Action**

I hereby certify that this paper (along with any paper referred to as being attached or enclosed) is being transmitted via the Office electronic filing system in accordance with § 1.6(a)(4).

Dated: December 16, 2008 Signature: 

(Lisa Adams, Reg. No. 44,238)

Docket No.: 101896-251 (DEP5318)  
(PATENT)

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Patent Application of:  
Michael A. Slivka et al.

Application No.: 10/709,796

Filed: May 28, 2004

For: NON-FUSION SPINAL CORRECTION  
SYSEMS AND METHODS

Confirmation No.: 3795

Art Unit: 3733

Examiner: M. C. Hoffman

MS Amendment  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**AMENDMENT IN RESPONSE TO NON-FINAL OFFICE ACTION**

Dear Madam:

This paper is in response to the Office Action dated September 19, 2008.

**Amendments to the Claims** are reflected in the listing of claims which begins on page 2 of this paper.

**Remarks/Arguments** begin on page 7 of this paper.